

2.0 Introduction and Purpose

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2.1 PURPOSE OF THE EIR

The City of Seal Beach (City) is the Lead Agency under the California Environmental Quality Act (CEQA), and has determined that an Environmental Impact Report (EIR) is required for the Department of Water and Power Specific Plan Amendment (the project) (State Clearinghouse No. 2011061018). This EIR has been prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); *CEQA Guidelines* (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Seal Beach. The principal *CEQA Guidelines* sections governing content of this document include Article 9 (*Contents of Environmental Impact Reports*) (Sections 15120 through 15132), and Section 15161 (*Project EIR*).

The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the proposed project, which includes residential and open space/passive recreational uses within the southwestern portion of the City of Seal Beach. For more detailed information regarding the proposal, refer to Section 3.0, *Project Description*.

This EIR addresses the environmental effects of the project, in accordance with Section 15161 of the *CEQA Guidelines*. As referenced in Section 15121(a) of the *CEQA Guidelines*, the primary purposes of this EIR are to:

- Inform decision-makers and the public generally of the significant environmental effects of a project;
- Identify possible ways to minimize the significant effects of the project; and
- Describe reasonable alternatives to the project.

Mitigation measures are provided that may be adopted as conditions of approval to minimize the significance of impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the proposed project.

The City of Seal Beach (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies that may use this EIR in the decision-making or permit process will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the *CEQA Guidelines*, if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. This is termed, per Section 15093 of the *CEQA Guidelines*, a “statement of overriding considerations.”

This document analyzes the environmental effects of the project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the *CEQA Guidelines*. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This EIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

2.2 COMPLIANCE WITH CEQA

PUBLIC REVIEW OF DRAFT EIR

In accordance with Sections 15087 and 15105 of the *CEQA Guidelines*, this Draft EIR will be circulated for a 45-day public review period, beginning on November 14, 2011. However in recognition of the holidays, the comment period will be extended to January 9, 2012. The public is invited to comment in writing on the information contained in this document. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft EIR and to identify where the information can be obtained. All comment letters received before the close of the public review period will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final EIR.

Comment letters should be sent to:

City of Seal Beach
211 8th Street
Seal Beach, CA 90740
Attn: Mr. Mark Persico, AICP, Director of Development Services

FINAL EIR

The Final EIR will consist of the Draft EIR, revisions to the Draft EIR (if any), and responses to all written comments addressing concerns raised in the comments of responsible agencies, the public, and any other reviewing parties. After the Final EIR is completed, and at least ten days prior to the certification hearing, a copy of the response to comments made by public agencies on the Draft EIR will be provided to the commenting agencies.

2.3 NOTICE OF PREPERATION/ EARLY CONSULTATION (SCOPING)

In compliance with the *CEQA Guidelines*, the City of Seal Beach has provided opportunities for various agencies and the public to participate in the environmental review process. During preparation of the Draft EIR, efforts were made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of the review in this document. This included the distribution of a Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties. In addition, a public scoping meeting was held on June 20, 2011 in the City of Seal Beach City Council Chambers located at 211 Eighth Street.

Pursuant to Section 15082 of the *CEQA Guidelines*, as amended, the City of Seal Beach circulated an NOP directly to public agencies (including the State Clearinghouse Office of Planning and Research), special districts, and members of the public who had requested such notice. The NOP was distributed on June 7, 2011, with the 30-day public review period concluding on July 6, 2011.

The purpose of the NOP was to formally announce the preparation of a Draft EIR for the proposed project, and that, as the Lead Agency, the City was soliciting input regarding the scope and content of the environmental information to be included in the EIR. The NOP provided preliminary information regarding the anticipated range of impacts to be analyzed within the EIR.

Notice of a public scoping meeting for the proposed project was included within the NOP. The public scoping meeting was held in the City of Seal Beach City Council Chambers on June 20, 2011. The meeting was held with the specific intent of affording interested individuals, groups and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the EIR, as described in the NOP.

The NOP and NOP comments are provided as Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*. The NOP comments included, but were not limited to, the following issues of controversy/issues to be resolved:

- Reduction of open space (refer to Section 5.13, *Public Services and Utilities*);
- Traffic safety concerns regarding the intersection of Marina Drive and 1st Street (refer to Section 5.5, *Traffic/Circulation*);
- Traffic safety concerns regarding the intersection spacing (off-set intersection) along 1st Street (refer to Section 5.5, *Traffic/Circulation*);
- Aesthetic concerns regarding the proposed arrangement of lots (homes would not front 1st Street like existing homes in the area) and location of garages (refer to Section 5.2, *Aesthetics/Light and Glare*);
- The ability of existing utilities and infrastructure to support the proposed development (refer to Section 5.13, *Public Services and Utilities*);
- Hydrology and water quality impacts to the San Gabriel River (refer to Section 5.11, *Hydrology and Water Quality*); and
- Hazardous materials concerns as a result of the former power generating station on-site (refer to Section 5.10, *Hazards and Hazardous Materials*).

2.4 FORMAT OF THE EIR

The Draft EIR is organized into 11 sections, as follows:

- Section 1.0, *Executive Summary*, provides a brief project description and summary of the environmental impacts and mitigation measures.
- Section 2.0, *Introduction and Purpose*, provides CEQA compliance information.
- Section 3.0, *Project Description*, provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- Section 4.0, *Basis for the Cumulative Analysis*, describes the approach and methodology for the cumulative analysis.
- Section 5.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, potential project impacts, recommended mitigation measures, and possible unavoidable adverse impacts for a number of environmental topic areas.
- Section 6.0, *Other CEQA Considerations*, discusses the long-term implications of the proposed action. Irreversible environmental changes that would be involved in the proposed action, should it be implemented, are considered. The project's growth-inducing impacts, including the potential for population growth, and energy conservation impacts are also discussed.
- Section 7.0, *Alternatives to the Proposed Action*, describes a reasonable range of alternatives to the project or to the location of the project that could avoid or substantially lessen the significant impact of the project and still feasibly attain the basic project objectives.
- Section 8.0, *Effects Found Not to be Significant*, provides an explanation of potential impacts that have been determined not to be significant.
- Section 9.0, *Organizations and Persons Consulted*, identifies all Federal, State, and local agencies, other organizations, and individuals consulted.
- Section 10.0, *Bibliography*, identifies reference sources for the EIR.
- Section 11.0, *Appendices*, contains technical documentation for the project.

2.5 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to Sections 15381 and 15386 of the *CEQA Guidelines*, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (Section 15381)

“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Game, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386)

Responsible and Trustee Agencies and other entities that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- California Coastal Commission;
- California Department of Transportation;
- California Department of Toxic Substances Control;
- Los Angeles County Metropolitan Transportation Authority;
- Los Angeles County Flood Control District;
- Orange County Transportation Authority;
- Orange County Sanitation District;
- Orange County Health Care Agency;
- Santa Ana Regional Water Quality Control Board;
- South Coast Air Quality Management District;
- Southern California Association of Governments; and
- State Water Resources Control Board.

2.6 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with Section 15150 of the *CEQA Guidelines*, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. These documents are available for review at the City of Seal Beach Development Services Department located at 211 Eighth Street, Seal Beach, California, 90740. Additionally, many of the documents are available on the City website at www.sealbeachca.gov.

- *City of Seal Beach General Plan (December 2003)*. The City of Seal Beach General Plan (General Plan) is the long-range planning guide for growth and development for the City of Seal Beach. The General Plan has two basic purposes: (1) to identify the goals for the future physical, social, and economic development of the City; and (2) to describe and identify policies and actions adopted to attain those goals. It is a comprehensive document that addresses seven mandatory elements/issues in accordance with State law. These elements include Land Use, Housing, Circulation, Conservation, Open Space, Noise, and Safety. Other optional issues that affect the City have also been addressed in the General Plan. The General Plan was utilized throughout this document as the fundamental planning document

governing development at the project site. Background information and policy information from the General Plan is cited in several sections of this document.

- City of Seal Beach Municipal Code (dated December 2004, revised 2010). The City of Seal Beach Municipal Code (Municipal Code) consists of regulatory, penal, and administrative ordinances of the City. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and policies. The City Zoning Code, Title 11 of the Municipal Code, identifies development standards (e.g. parking, height, setbacks) for each zoning designation. The Building Code (Title 9, Chapter 9.60) specifies rules and regulations for construction, alteration, and building for uses of human habitation. Title 10, Subdivisions, is also included in the City's Municipal Code.
- City of Los Angeles Department of Water and Power Specific Plan (March 1996). The DWP Specific Plan was prepared to provide for the classification and development of portions of parcels of land as a coordinated comprehensive project to take advantage of the superior environment that can result from integrated community planning. The concepts, regulations, and conditions established by the DWP Specific Plan are intended to provide for open space and visitor serving land uses and development standards.

The DWP Specific Plan functions as the zoning for the property. The DWP Specific Plan provides the opportunity to combine the concepts, procedures, and regulations of numerous documents into one. Alternative zoning regulations, development standards, and other regulations have been incorporated into the DWP Specific Plan in return for increased development sensitivity and community amenities to serve the present and future residents of the City.

- Riverfront Redevelopment Plan (1969, as amended). The Redevelopment Project Area was established to eliminate and prevent the spread of blight and deterioration. All proposed improvements within the Project Area require approval by the Agency.
- City Council Policy 600-11, CEQA Evaluation – Short Term Construction Related Noise Impacts (December 12, 2005). The City Council adopted this policy document on December 12, 2005. The purpose of this document is to establish procedures for conducting environmental analysis of short-term construction-related noise impacts and establish standard mitigation measures.
- Peer Review and Site Specific Hotel Feasibility Evaluation (September 2011). The Feasibility Evaluation was prepared as an independent review of the financial feasibility of a hotel on the project site.